

10/540991

IN THE UNITED STATES RECEIVING OFFICE

Applicant : Fraser Harvie et al.
 Serial No. : 10/540,991
 Filed : June 28, 2005
 Title : SURGICAL PROCEDURES AND INSTRUMENTS

MAIL STOP PCT

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

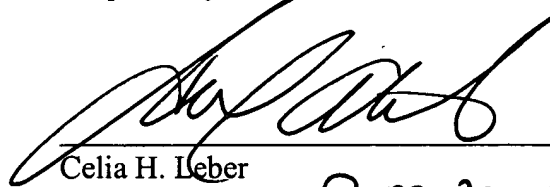
In response to the Notification of Missing Requirements mailed October 17, 2005 (copy enclosed), Applicant as a large entity submits herewith the following:

- ☒ Payment of the surcharge of \$130 for late filing of the declaration; and
- ☒ A Combined Declaration and Power of Attorney in compliance with 37 CFR §1.63.

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 00167-490US1.

Respectfully submitted,

Date: December 14, 2005


 Celia H. Leber

Reg. No. 33,524

Rg 0030.125

Fish & Richardson P.C.
 225 Franklin Street
 Boston, MA 02110
 Telephone: (617) 542-5070
 Facsimile: (617) 542-8906

21226949.doc

12/22/2005 MKAYPAGH 00000109 10540991

01 FC:1617

130.00 0P

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EV 664060343 US

December 14, 2005

Date of Deposit



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/540,991	Fraser Harvie	00167-490US1

26161
 FISH & RICHARDSON PC
 P.O. BOX 1022
 MINNEAPOLIS, MN 55440-1022

INTERNATIONAL APPLICATION NO.	
PCT/US03/41853	
I.A. FILING DATE	PRIORITY DATE
12/30/2003	12/31/2002

CONFIRMATION NO. 9555
 371 FORMALITIES LETTER

OC000000017264504

Date Mailed: 10/17/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/28/2005
- Copy of the International Search Report filed on 06/28/2005
- Copy of IPE Report filed on 06/28/2005
- Preliminary Amendments filed on 06/28/2005
- Information Disclosure Statements filed on 07/25/2005
- U.S. Basic National Fees filed on 06/28/2005
- Priority Documents filed on 06/28/2005
- Specification filed on 06/28/2005
- Claims filed on 06/28/2005
- Drawings filed on 06/28/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

BEST AVAILABLE COPY

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/540,991	PCT/US03/41853	00167-490US1

FORM PCT/DO/EO/905 (371 Formalities Notice)

BEST AVAILABLE COPY